

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

STAR INSURANCE COMPANY, a	)	
Michigan Corporation, WILLIAMSBURG	)	
NATIONAL INSURANCE COMPANY, a	)	
California corporation, and AMERICAN	)	Case No.: 06 C 1364
INDEMNITY INSURANCE COMPANY,	)	
LTD., a Bermuda corporation	)	Judge Bucklo
	)	
Plaintiffs,	)	Magistrate Judge Nolan
	)	
v.	)	
	)	
RISK MARKETING GROUP, INC.,	)	
an Illinois corporation, and	)	
CEBCOR SERVICE CORPORATION,	)	
an Illinois corporation	)	
	)	
Defendants.	)	

**PLAINTIFFS' MOTION FOR TURNOVER ORDER AGAINST EA1, LLC**

NOW COME Plaintiffs, STAR INSURANCE COMPANY, WILLIAMSBURG NATIONAL INSURANCE COMPANY, and AMERICAN INDEMNITY INSURANCE COMPANY LTD., and pursuant to Federal Rules of Civil Procedure 7(b) and 69(a), and Illinois Supreme Court Rule 277, Section 5/2-1402 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1402), hereby moves this Court to an order requiring citation respondent EA1, LLC, to turn over funds owed to Employ America, LLC, in satisfaction of the judgment entered against EA1, LLC, on January 23, 2008, and in support thereof states as follows:

1. On August 31, 2007, this Court held that judgment debtor Cebcor Service Corporation ("Cebcor") had fraudulently transferred a \$1,240,463.00 promissory note owed by Employ America, LLC to Cebcor. This Court ordered Employ America, LLC to return this transfer to Cebcor by September 21, 2007, and ordered Cebcor to use this transfer to satisfy plaintiffs' judgment by September 28, 2007.

2. Employ America, LLC never returned the fraudulently transferred promissory note to Cebcor. Therefore, plaintiffs moved for judgment against Employ America, LLC, for the entire amount of plaintiffs' judgment against Cebcor as a sanction for Employ America, LLC's failure to comply with the Order of August 31, 2007. This Court granted plaintiffs' motion and entered judgment against Employ America, LLC, on January 23, 2008.

3. Thereafter, on April 4, 2008, the Clerk of the District Court issued a citation to discover assets directed to EA1, LLC, seeking discovery of any assets that EA1, LLC might owe to Employ America, LLC, that could be used to satisfy the judgment of January 23, 2008. The citation to discover assets was served on EA1, LLC, on April 9, 2008. A copy of the citation to discover assets and the affidavit of service is attached as **Exhibit A**.

4. On or about September 15, 2008, EA1, LLC produced a one-page spreadsheet purporting to list all of EA1, LLC's then-existing liabilities. Among the liabilities listed is \$1,699,970.11 due to Employ America, LLC. A copy of the spreadsheet is attached as **Exhibit B**.

5. Section 2-1402 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1402) and Illinois Supreme Court Rule 277, govern the procedure for collection of judgments via a citation to discover assets. Section 2-1402(c) (3) provides that when assets of a judgment debtor are discovered, a court may by appropriate order or judgment:

Compel any person cited, other than the judgment debtor, to deliver up any assets so discovered, to be applied in satisfaction of the judgment, in whole or in part, when those assets are held under such circumstances that in an action by the judgment debtor he or she could recover them in specie or obtain a judgment for the proceeds or value thereof as for conversion or embezzlement. A judgment creditor may recover a corporate judgment debtor's property on behalf of the judgment debtor for use of the judgment creditor by filing an appropriate petition within the citation proceedings.

6. In this case, EA1, LLC, owes Employ America, LLC \$1,699,970.11. This amount is a non-exempt asset and thus is available to satisfy plaintiffs' judgment against Employ

America, LLC. This Court has the power to order EA1, LLC, to pay this amount directly to plaintiffs in satisfaction of their judgment against Employ America, LLC.

7. Therefore, at this time, plaintiffs' ask this Court to enter an Order requiring EA1, LLC, to pay to plaintiffs the \$1,699,970.11 that EA1, LLC, currently owes to Employ America, LLC, within twenty-one (21) days of the issuance of said Order. Plaintiffs further ask this Court to require EA1, LLC, to make immediately available to plaintiffs all current financial information of EA1, LLC, including but not limited to financial statements, balance sheets, tax returns, accounts receivable, bank accounts, and a list of all assets owned by EA1, LLC's or owed by third persons to EA1, LLC.

WHEREFORE, Plaintiffs, STAR INSURANCE COMPANY, WILLIAMSBURG NATIONAL INSURANCE COMPANY, and AMERICAN INDEMNITY INSURANCE COMPANY, LTD., respectfully request that this Honorable Court grant Plaintiffs motion for turnover order against EA1, LLC, in the amount of \$1,699,970.11, and for any and all further relief this Court deems necessary and appropriate.

**Dated: January 26, 2009**

Respectfully submitted,

s/ John P. McCorry  
One of Plaintiffs' Attorneys

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